

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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IN RE: DEALER MANAGEMENT SYSTEMS  
ANTITRUST LITIGATION

MDL No. 2817  
Case No. 18 C 864

This Document Relates to:

Hon. Robert M. Dow, Jr.  
Magistrate Judge Jeffery T. Gilbert

*ALL CASES*

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**INDIVIDUAL AND VENDOR CLASS PLAINTIFFS’  
SUPPLEMENTAL NOTICE REGARDING DECEMBER 13 STATUS CONFERENCE**

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The Individual and Vendor Class Plaintiffs (“Plaintiffs”) respectfully submit this Supplemental Notice regarding the status conference held on December 13, 2018. In light of the Court’s comments at the conference, Plaintiffs are withdrawing certain of their disputed discovery requests. Plaintiffs have been diligently pursuing discovery based on their understanding of the deadlines set forth in the Case Management Order. But the Court has provided helpful guidance with respect to the proper scope of discovery within the case schedule, and Plaintiffs have taken that guidance to heart.

1. First, Plaintiffs are withdrawing the disputed Interrogatories that they served on Defendants CDK Global, LLC (“CDK”), The Reynolds and Reynolds Company (“Reynolds”), and Computerized Vehicle Registration (“CVR”). *See* Defs.’ Notice, Dkt. 466, at 2-3. Based on the Court’s guidance at the status conference regarding the service of the Interrogatories and preserving the fact discovery deadline of April 15, 2019, Plaintiffs have notified Defendants that they are withdrawing the Interrogatories. Defendants therefore do not need to file a motion for a protective order regarding the disputed Interrogatories. Plaintiffs do so on the understanding that Defendants’ reading of the Case Management Order applies to them as well and without prejudice to renewal if circumstances change.

2. Second, Plaintiffs are withdrawing their request that CDK add Kevin Witt as a document custodian. During the course of discovery, CDK produced documents from other custodians indicating that Mr. Witt is an important witness with a large number of significant documents. Accordingly, on November 30, 2018, Plaintiffs asked CDK to add Mr. Witt as a document custodian. Dkt. 466, at 3. In its Notice filed with this Court, CDK noted their disagreement with adding Mr. Witt as a document custodian. *Id.* at 2. Given the Court's guidance at the status conference on the timing and scope of discovery, Plaintiffs have agreed to withdraw their request that CDK add Mr. Witt as a document custodian.

3. Finally, CDK's motion for a protective order regarding Plaintiffs' Second Request for the Production of Documents ("RFPs") is fully briefed. *See* Dkts. 443, 460, 467. In their opposition, Plaintiffs dropped several document requests and held several others in abeyance. *See* Dkt. 460, at 2-4, 9-10. Given the Court's guidance, Plaintiffs agree to withdraw the requests that Plaintiffs have held in abeyance – RFP Nos. 109, 112-15. Therefore, all that remains at issue are RFP Nos. 103 and 104-08, which relate to two topics that arose after the May 25, 2018 deadline: (1) CDK's apparent removal of "agent" language from its standard DMS contract, and (2) CDK's acquisition of eLead. *Id.* at 2-8. Plaintiffs continue to submit that there is good cause for those requests, notwithstanding the May 25, 2018 deadline in the Case Management Order, because they could not reasonably have been promulgated before that deadline. *See id.* at 10; Fed. R. Civ. P. 16(b)(4).

Dated: December 18, 2018

Respectfully submitted,

/s/ Derek T. Ho

Derek T. Ho

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**CERTIFICATE OF SERVICE**

I, Derek T. Ho, an attorney, hereby certify that on December 18, 2018, I caused a true and correct copy of the foregoing **INDIVIDUAL AND VENDOR CLASS PLAINTIFFS' SUPPLEMENTAL NOTICE REGARDING DECEMBER 13 STATUS CONFERENCE** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by email to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

/s/ Derek T. Ho

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